

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

INTELLIGENT VERIFICATION)	
SYSTEMS, LLC,)	
)	
Plaintiff,)	
v.)	
)	Civil Action No. 2:12-cv-525-AWA-LRL
MICROSOFT CORPORATION, and)	
MAJESCO ENTERTAINMENT CO.,)	
Defendants.)	
)	

**INTELLIGENT VERIFICATION SYSTEMS, LLC’S MOTION *IN LIMINE*
REGARDING PRIOR ART**

Plaintiff Intelligent Verification Systems, LLC, (“IVS”) by and through undersigned counsel, respectfully moves *in limine* to exclude certain evidence and testimony regarding alleged prior art references. Specifically, IVS moves for an Order that 1) Nitta et al., “An Experimental Multimodal Disputation System,” IJCAI-97 Workshop on Intelligent Multimodal Systems, Nagoya, Japan (August 24, 1997) (“Nitta 1997”) cannot be relied on for invalidity because it is not prior art under 35 U.S.C. §§ 102 or 103; 2) any testimony or evidence regarding work or use in Japan must be excluded because it is not prior art under 35 U.S.C. §§ 102 or 103 and any possible relevance is outweighed by the high likelihood of confusion and possible prejudice; 3) alleged prior art references that require expert testimony and opinion that were not part of an expert report must be excluded; and 4) alleged prior art that was not timely disclosed in response to IVS’s Interrogatory No. 6 but is included in Defendants’ 35 U.S.C. § 282 Notice [D.I. 387] must be excluded. A memorandum of points and authorities accompanies this motion.

WHEREFORE, IVS respectfully moves *in limine* for an Order excluding 1) Nitta et al., “An Experimental Multimodal Disputation System,” IJCAI-97 Workshop on Intelligent

Multimodal Systems, Nagoya, Japan (August 24, 1997) (“Nitta 1997”); 2) work or alleged use in Japan; 3) alleged prior art references that require expert testimony and opinion that were not part of an expert report; and 4) alleged prior art that was not timely disclosed in response to IVS’s Interrogatory No. 6 but is included in Defendants’ 35 U.S.C. § 282 Notice [D.I. 387], and for such other relief as the Court deems just and proper.

DATED: March 4, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of March 2015, a true and correct copy of the above document was filed via the Court's ECF system, which will send a notification of such filing (NEF) to the following to the counsel listed below:

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